

MEETING

Mayor Cooper called the Special Joint Meeting of the City Council/Redevelopment Agency to order at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

Mayor Cooper welcomed and acknowledged a delegation from Chongquing Province, China, currently participating in a Cal State Hayward program with Dr. Nancy Mangold, Director of China America Business and Education Center.

ROLL CALL

Present:

COUNCIL MEMBERS Jimenez, Hilson,

Rodriquez, Ward, Dowling, Henson

MAYOR Cooper

Absent:

None

PRESENTATION: Business Recognition Award

Calyx Therapeutics is a growing pharmaceutical company with a unique platform for discovering new drugs. The company is generating quality drugs based on the active ingredients of natural plant extracts with long histories of medicinal benefits for people. Calyx is committed to the City of Hayward. They have expanded their facilities from 4,700 sq. ft to 16,200 sq ft., invested about \$500,000 in leasehold improvements, and the number of employees has increased from 5 to 22. Dr. Mark Swarz accepted the award as President and Chief Executive Officer of Calyx Therapeutic.

PUBLIC COMMENTS

Charlie Cameron asked for urgent assistance with his housing problem.

Anita Imazumi announced a fundraiser, "Annual Chocolate Mardi Gras," on behalf of SAVE to be held on Sunday, March 17 at noon at the Marriott in Fremont.

Jim Drake spoke about a noise problem at the Rainbow Food Market at the Schafer Park Shopping Center.

Tom Ballard spoke on behalf of East Bay Patriots, an informal group, and asked for help in the construction of a permanent flagpole at Garin Park of the East Bay Regional Park system in memory of the September 11 victims.

Al Reynolds announced that he is running for Citizen of the Year.

Ron Barklow thanked the Fire Department for its efforts in controlling an incident in his neighborhood. He also commented on his recent trip to Cuba.

Daniel Virgin commented on the "grayness" of the sidewalks around the City. He then discussed the problems of his neighborhood in the Tennyson area.

Henry Guzman Villobos spoke of the need for a multicultural center in the near future in the City of Hayward.

Jason Moreno thanked those who supported his mayoral campaign.

Robert Lopez thanked all who supported his candidacy in the recent election.

Francisco Abrantes spoke against the Council and staff.

CONSENT

Consent Item Number 6 was removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 19, 2002

It was moved by Council/RA Member Ward, seconded by Council/RA Member Hilson, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 19, 2002

2. Resignation of Jay Khan from the Downtown Business Improvement Area Advisory Board

Staff report submitted by City Clerk Reyes, dated March 12, 2002, was filed.

It was <u>moved by Council Member Ward</u>, seconded by Council Member Hilson, and <u>unanimously</u> <u>carried</u> to adopt the following:

Resolution 02-019, "Resignation Accepting Written Resignation of Jay Khan as a Member of the Downtown Business Improvement Area Advisory Board"

3. Summary Vacation of a Portion of Valle Vista Avenue

Staff report submitted by Deputy Director of Public Works Bauman, dated March 12, 2002, was filed.



It was <u>moved by Council Member Ward</u>, seconded by Council Member Hilson, and <u>unanimously</u> <u>carried</u> to adopt the following:

Resolution 02-020, "Resolution Summarily Vacating a Portion of Valle Vista Avenue"

4. Industrial Assessment District: Authorization for the City Manager to Execute a Professional Services Agreement

Staff report submitted by Deputy Director of Public Works Bauman, dated March 12, 2002, was filed.

It was <u>moved by Council Member Ward</u>, seconded by Council Member Hilson, and <u>unanimously carried</u> to adopt the following:

Resolution 02-021, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and Kimley-Horn Associates for the Industrial Assessment District Project Report"

5. Youth and Family Services Bureau Expansion: Authorization for the City Manager to Execute a Professional Services Agreement and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated March 12, 2002, was filed.

It was <u>moved by Council Member Ward</u>, seconded by Council Member Hilson, and <u>unanimously</u> <u>carried</u> to adopt the following:

Resolution 02-022, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and MWM, Architects for Professional Design Services for the Police Building Youth and Family Services Bureau Addition"

Resolution 02-023, "Resolution Amending Resolution 01-097, as Amended, the Capital Improvement Budget Resolution for Fiscal Year 2001-02 for an Appropriation of Funds from the Capital Improvement Fund, Fund 410 to the Police Building Youth and Family Services Bureau (YFSB) Addition Project, Project No. 6901"

6. Hayward Airport Improvements: Authorization for the City Manager to Execute a Professional Services Agreement

Staff report submitted by Deputy Director of Public Works Bauman, dated March 12, 2002, was filed.

Ron Barklow said he just received the FEIR on the Hayward Master Plan. He was not satisfied with the environmental reports.

City Manager Armas indicated that Mr. Barklow would be notified when the Master Plan is heard by Council in the future.

Council Member Ward encouraged staff and the consultant to adhere to the MBE/WBE firms, and to report back to the Council on the results of that effort.

It was <u>moved by Council Member Ward</u>, seconded by Council Member Henson, and <u>unanimously carried</u> to adopt the following:

Resolution 02-024, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and P&D Consultants, Inc., for Professional Services for the Hayward Airport Improvements"

HEARINGS

7. Draft City of Hayward General Plan and Final Environmental Impact Report (Continued from 2/5)

Staff report submitted by Senior Planner Calame, dated March 12, 2002, was filed.

Council Member Henson announced that he would be abstaining from a vote on Section 8 of the proposal. He said he would include himself in the discussions.

Senior Planner Calame outlined the focus of the study and noted the timeline as well as the steps in the process for a proposed annexation study in the Mission-Garin area. The focus of the annexation study would be to include evaluation of environmental resources and restraints in that area, as well as related issues. He depicted the study area boundaries in the proposed Mission-Garin study area. He noted that the Valle Vista Skating Rink property site has been excluded from the study area. He also commented on pending development proposals in the area. Staff is proposing a change from Medium Density Residential to Suburban Density Residential in the Clearbrook-Highlands area to reflect the actual development in the area.



Council Member Ward discussed whether there would be adequate facilities for childcare. He referenced public input and concern for childcare. He said the Council needs to address the need in a much more complete format. He also asked about geo-technical studies.

Senior Planner Calame noted that the issue of childcare had been primarily addressed in the community facilities and amenities section of the Master Plan. He noted that the studies would be more pertinent to individual projects.

City Manager Armas added that the report considered the various needs for children's services in the City of Hayward. He also indicated that material related to the specific land-use in the areas would be up-dated with more detailed studies.

Council Member Hilson expressed his concerns for "lessening of standards" and "visual quality." He said the report lessens the need for "View Corridors." As to noise, the measures defined to reduce noise do not get as specific as in other places such as non-opening windows and air-conditioning.

Senior Planner Calame said this should not be viewed as limiting.

City Manager Armas added that there would be three strategies developed. To continue to review new development to assure compliance with surrounding communities with respect to noise standards; encourage mitigation of noise through appropriate site planning, building orientation and building materials; and finally, a Building Noise Ordinance.

Council Member Hilson asked about the areas in the hills and whether the 50 percent slope gradient might be fairly high.

Senior Planner Calame noted that these figures are provided by geologist study.

Council Member Hilson commented that perhaps the Council might go farther in cautioning what is proposed in the hills.

City Manager Armas noted that staff developed a strategy to consider revisions to the grading ordinance to prohibit or limit development of slopes of specified gradients. He suggested more discussion with both the Council and the public in developing this legislation.

Council Member Hilson then suggested applying to FEMA to fund reevaluations to redo flood plains maps and studies.

Council Member Henson inquired about the discussion of the Mission-Garin Neighborhood Task Force analysis. He also asked about the population for that area.

Senior Planner Calame said that the Task Force indicated that much of the area was to be designated as Urban Designation or Limited Medium Residential Designation. He commented that the total population is unknown for the area outside the City limits but would research and provide the information.

Council Member Dowling asked about the Mission-Garin development and where the topic "visual impact" might be included in the documents.

Council Member Rodriguez asked about childcare facilities located in business parks.

City Manager Armas responded that since there is only one Industrial designation in this area, there would be limitations on where they might be located. Staff suggested that single designation be broken into three designations, and included language in the plan to examine the feasibility of having childcare in the zoning district, such as the business park district.

Council Member Henson rephrased a question related to childcare facilities. He asked if staff has considered including a childcare master plan.

City Manager Armas said this might be a budget determination. He stated that policies and strategies could represent a separate childcare plan and would require a Council approved work plan as well as an appropriation of funding.

Council Member Jimenez asked about water quality and sufficiency of the reservoirs. It was noted that information was in the overall discussion of how this service will be provided.

Council Member Ward discussed how the Council and the School District respond to an inadequate number of facilities to support the current and projected school age population. His concern was to strengthen the policy direction in this update. He encouraged staff to stay focused on this issue.

Council Member Hilson asked staff to review where childcare facilities are currently allowed and whether those areas are already used to capacity. He commented that more facilities could go where they are presently legal. He said he was trying to determine the cause of lack of facilities in the City of Hayward.

Senior Planner Calame responded that State law determines various conditions on childcare facilities. He noted that the Planning Department has maps to determine the locations within the City.

City Manager Armas responded that quantity may be adequate but affordability might not be there. He added that other zoning districts might create comfort and service as it relates to employment centers. They agreed that the restraining determiner might be affordability.



Mayor Cooper expressed her concerns regarding childcare. She noted that the quality of childcare is the major consideration. She noted that the City of Hayward should be prepared to subsidize the childcare facilities. Early childhood caregivers do not earn sufficient salaries. She commented on the numbers of children who are not included within the norm, children who are disabled, whose parents work off-hours. She commented that the City needs to be able to bolster the commitment to parents who need these services. Location is minimal compared to these other issues.

Mayor Cooper opened the public hearing at 9:30 p.m.

Ron Barklow spoke regarding strategy 5.3 light and glare, and the lack of consideration regarding lighting at the pump station and how they are not in compliance. He then asked about the Measure B project and where it is in the document. He also commented on the air quality control with the proposed power plant. He mentioned the Mission-Garin Task Force membership. He also expressed his opinion on the location of nesting boxes for the burrowing owl population at the airport.

City Manager Armas responded that Measure L is included because it was an amendment to the General Plan. Measure B was not.

Steven Showers, representing the Library Commission, submitted a statement containing eight additions to the General Plan related to Library services. He urged inclusion of this proposed wording by the Library Commission and commented favorably on the library statistical report submitted to the Council.

Jack Smith described the proposed development in the Area 6. He expressed concern regarding the timeframe proposed for the Mission-Garin area including the Pistol Range, the Quarry, and 40-acres near the quarry. He indicated that these 40-acres are being prepared for approximately 100 units. He commented that he did not anticipate the study being completed by the projected date.

Jay Iggy, project manager of the DaSilva Group, said he represented the owners of the 162 acres in the area. He indicated that in Area 6, the quarry property, the owners are prepared to proceed with a development proposal. He said the quarry is about 50 percent of the property, and could not be justified for further study. There is support for the annexation of this property. He suggested a meeting with property owners and staff to discuss issues as the owners are prepared to submit their proposal. He commented on the geo-technical studies in the quarry area funded by the owners. He asked for approval of development in the area.

Council Member Henson asked about land studies and testing. He was told there was extensive testing done in the area within the past year.

Guy Warren felt that the Mission Garin Neighborhood Plan was sufficient and noted that the "south 40" area has had extensive studies during the past two years. He added that there are no other studies to do on the property and are ready to annex the property now.

Joe Callahan spoke as a member of the coalition for the South-40. He also felt that further study is not necessary. He said that combining efforts might fragment the effort to LAFCO. He felt that the numerous discussions already held on the applications should be enough and going forth another two years did not have merit.

Martin Inderbitzen representing the Mackensie property said they did see the merit in cooperative and collaborative efforts that staff and the community meetings have accomplished. He thought it would be counter productive to include another study.

Mayor Cooper closed the public hearing at 9:57 p.m.

Council Member Ward commended Senior Planner Calame for his efforts and noted that Mr. Calame has participated in the neighborhood plan process since 1986. He also commended City Manager Armas. He expressed his concerns on early childhood education, which goes to the issue of affordability. He discussed obtaining more current data on schools with respect to long time needs. He **moved**, seconded by Council Member Jimenez, to adopt the certification of the FEIR, to adopt the Draft General Plan, excluding the housing element and to authorize the annexation study with the proviso that the timeline for the study be reduced approximately 50 percent of what it is now.

Council Member Hilson asked whether any studies have been done to evaluate the proposed cumulative projects to existing neighborhoods and future development opportunities.

City Manager Armas responded that, aside from the Mission-Garin Plan, staff had not had the benefit of reviewing all of the parcels in total rather in parts. He noted that all of the properties should be related to each other and in relationship to traffic, water, sewer, and other infrastructures in the area. This is why staff would like to study the area in total rather than parts.

Council Member Hilson then asked whether there was significant knowledge of the cumulative effects of traffic in that corridor.

City Manager Armas answered that there is good baseline information. However, staff needs to review more particularlized movements and give more careful thought to the applicant proposals. He noted that staff proposed the timeline based on contact and communication with neighbors and other interested parties. He noted that in determining the time line, staff was trying to make sure they would have a complete application for LAFCO. He added that there are built-in time frames for responses as well. He commented that staff is trying to be realistic.



Council Member Dowling asked for the motion to include a childcare master plan.

Council Member Ward indicated that the Council has made it clear their concern with childcare and said he would rather look at what they presently have rather than make a separate document for it. In response to including the Library Commission request, he said the same applies. He noted that the policy direction of the Library in the present document adequately addresses the issue.

City Manager Armas added that the Library Commission is presently looking toward the future. He said Council may want to incorporate special language at that time. He added that the Arts Council concerns are already in the staff recommendation.

Council Member Dowling indicated that it is important to keep with staff recommendation, particularly with the neighborhood information. He noted that there has been a lot of development with problems in that area. He added that it is important for the City to present the whole plan to the public rather than piecemeal presentations. He indicated that the City needs to be more proactive. He then made a substitute motion to include the Library Commission document. It died for lack of a second.

Council Member Ward noted that his original motion was made with no intention to preclude public participation. The LAFCO process will continue. He commented that the substitute motion would preclude their proposals for envisioning the future.

City Manager Armas indicated that more time would give the opportunity for more public hearings in formal proceedings, but more conversation between property owners and citizen participation early on rather than at the public hearing level.

Council Member Jimenez suggested that his support of the motion was to encourage further housing development in the City of Hayward without continued delays.

Council Member Henson said he did not know that property owners had completed so much of the work, as a result, he supported the motion's compressed timeframe. He adhered to the belief of public input. He felt that it was a good motion and a good compromise. The City would still need to do the things that are necessary to ascertain the suitability. He noted that the applications would still have to be accepted by the residents in that area. He said he would like to see some incorporation and more coordination in planning the area. He commented about the car dealerships and the density of housing. He would also like to see more emphasis on public safety so the City can take advantage of federal funding.

City Manager Armas noted that the next two-year budget cycle might include financing for design work and specific plan to Mission Boulevard. He also commented that within the time

frame, staff could report back to Council in June on the progress of their study. The report would indicate work done to that point as well as that remaining.

Council Member Rodriquez expressed her concerns related to the quality of projects that she has seen due to fast tracking. This is a very valuable property. She wants to fully see what is planned. However, she has concerns for visual impacts as well as traffic that will be generated. The applicants can develop something that will be exquisite. She said she could not support anything but what staff is recommending. She said this was somewhat reluctant, but necessary for a comprehensive review of the total area.

Council Member Hilson commented that he valued the work already completed and that staff will find it useful. He said he was convinced that the timeline is necessary to assure quality projects. He would not be supporting the motion due to those concerns.

Council Member Ward reemphasized his reasons for shortening the staff recommended time frame. He noted that these are two separate issues, the annexation and the actual development application.

Council Member Hilson stated that he understood that there are two separate issues, but pointed out that he did not particularly want to limit the staff recommendation to forfeit quality. If staff can do it faster, he would accept that, but he was not satisfied that a quality study could be completed in that timeline.

Council Member Dowling introduced a substitute motion to Council Member Ward's motion, seconded by Council Member Hilson, which would re-establish the timeline for the Mission-Garin study to staff recommendation.

As the second to the motion, Council Member Hilson asked the maker of the motion to accept his offer of two friendly amendments to that motion. On the issue of view corridors, he asked that the previous language be used. He preferred the previous language, which seemed more protective than the new wording. The maker of the motion, Council Member Dowling, accepted it. Secondly he commented that there is language in three different locations in the Plan that alludes to, "actively look for lessening of our standards in setbacks, etc. in neighborhoods. He strongly objected to that language and asked that the original language remain.

In response to Council Member Hilson's concerns, City Manager Armas noted that his issues were in the mitigation plan rather than in the strategies. He suggested that Council review the strategy in reference to the view shed. "Ensure that the design guidelines reflect concerns about the preservation of view sheds." This wording does not intend to erode that safeguard and the strategy addresses his concerns. The proposed strategy that addresses this specifically states: "Consider modifications to design guidelines and regulations that provide for flexibility in the review of residential additions while maintaining the integrity of the neighborhood." He stated that there has been substantial discussion with the Planning Commission on this issue and felt that discussion occurred in light of changing family sizes and changing issues. It was also noted that



the language was in the mitigation measure of the EIR.

Council Member Hilson was concerned that the discussions seemed to center on reducing side yardage setbacks to zero or less than a few feet and front yard setbacks to less than ten feet. He felt that this language seems intent on doing just that.

City Manager Armas read the proposed strategy as follows: "Consider modifications to design guidelines and regulations that provide for flexibility in the review of residential additions, while maintaining the integrity of the neighborhood." He suggested that the strategy intent be reiterated and restated to clarify this concern as follows: "At such time as any modifications are being considered, that staff first schedule it and present it at a work session so that Council can provide direction as to whether the Council is receptive to that effort." He added that staff will not embark on modifications to the guidelines until that work program is presented at a Council work session. This was acceptable for Council Member Hilson.

Council Member Hilson asked the maker of the motion to include his amendment regarding the view corridor. Council Member Dowling pointed out that his motion focused only on the Mission Garin Study timeframe and suggested to Council Member Hilson that his amendment be voted on separately.

Discussion ensued related to the parliamentary procedure for motions on the floor, Council Member Henson's concern for separation of the topics, and whether Council Member Dowling's motion was still on the floor. It was suggested that separate votes be taken on the recommendations to provide for Council Member Henson's nonparticipation related to Section 8 of the resolution, as well as to determine the study timeline, which is to be voted on by the entire Council. City Attorney O'Toole advised that it is customary to act on a substitute motion prior to acting on another substitute motion if the maker of the first motion is agreeable.

In place of the previous motions, Council Member Ward offered yet another motion. He prefaced this motion by stating that this motion is intended to acknowledge the fact that Section 8 of the Resolution is not being acted on by Council Member Henson.

Council Member Ward, seconded by Council Member Henson, moved and unanimously carried to certify the Environmental Impact Report that has been prepared in compliance with the California Environmental Quality Act and City of Hayward implementing guidelines, adopt the Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program and adopt the Draft City of Hayward General Plan (excluding the Housing Element).

Resolution 02-025, "Resolution Certifying Program Environmental Impact Report and Adopting Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations and General

Plan"

Council Member Ward stated that staff has agreed that the timeframe can be shorter than what has been outlined in the staff report and interim reporting would indicate the progress of the study. He emphasized that this is a separate action from the City Council dealing with the development application, which will provide opportunity for all interested parties to review issues related to each particular development such as visual geo-technical impacts. This action is only dealing with the annexation issue.

Council Member Ward moved, seconded by Council Member Jimenez, to approve and authorize the study of the Mission-Garin Annexation Area, and revise the staff recommendation to amend the timeline by reducing it to fifty percent of the anticipated time and encourage staff to make maximum use of information provided by the developers in an effort to complete the study expeditiously. The **motion failed** by the following roll call vote.

AYES:

Council Members Jimenez, Ward, and Henson

NOES:

Council Members Hilson, Rodriquez, Dowling,

MAYOR Cooper

ABSENT: None ABSTAINED: None

<u>Council Member Hilson, seconded by Council Member Dowling,</u> moved to approve and authorize the study of the Mission-Garin Annexation Area including the staff recommended timeline. The motion carried by the following roll call vote.

Resolution 02-026,

"Resolution Approving Mission-Garin

Annexation Study"

AYES:

Council Members Jimenez, Hilson, Rodriquez,

Dowling

MAYOR Cooper

NOES:

Council Members Ward, Henson

ABSENT:

None

ABSTAINED: None

The following motion was to adopt actions related to Section 8 of the Resolution that Council Member Henson could not participate nor deliberate on due to a conflict of interest.

Council Member Hilson **moved**, seconded by Council Member Dowling, and carried with Council Member Henson abstaining, to approve Section 8 of the Resolution that was previously adopted.

COUNCIL REPORTS



Council Member Hilson reported that he attended a National League of Cities conference in Washington D.C. that focused on home land security. He also described his tour of the Pentagon, which included attending and participating in a memorial ceremony at the Pentagon for those who died on September 11, 2001. He noted the timeframe for reconstruction and repairs that will coincide with the anniversary of this tragedy.

Council Member Henson also attended and moderated a seminar, entitled "Impacts to Homeland Security." He noted the panelists as experts in this subject and the Patriot Act recently adopted. The seminar purpose was to disseminate information and seek the necessary funding for local agencies. He informed the Council that the current local Block Grant for law enforcement program funding will be rolled over to fund this new homeland security program, which will impact many California local law enforcement agencies. This federal funding will cease from coming directly to cities and the state will receive the funding for distribution. He noted other concerns related to the security of local general aviation centers.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:59 p.m. with Council Member Rodriquez adjourning in memory of Kevin Reilly, who passed away from an incurable disease. He was the eldest son of Olive Reilly Stewart, a long-time community activist. Council Member Rodriquez commented that Kevin was an incredibly successful person and leaves a wife and two children.

APPROVED:
Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency
ATTEST:
Angelina Reyes, City Clerk, City of Hayward Secretary, Redevelopment Agency